

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TYRONE P. JAMES	:	
Plaintiff,	:	
	:	CIVIL ACTION NO. 1:01-CV-1015
v.	:	(Judge Kane)
	:	(Magistrate Judge Mannion)
YORK COUNTY POLICE DEPARTMENT,	:	
JAMES H. MORGAN, RICHARD PEDDICORD,	:	JURY TRIAL DEMANDED
RAYMOND E. CRUAL, GENE FELLS,	:	
DET. KESSLER, CO. BAYLARK,	:	
RANDY SIPES, BRIAN WESTMORELAND,	:	
and DETECTIVE GLOWCZESKI	:	
Defendants,	:	

FILED
HARRISBURG, PA

AUG 18 2004

MARY E. D'ANDREA, CLERK
Per Rin
Deputy Clerk

DECLARATION OF TYRONE P. JAMES, SETTING FORTH THE DATE OF

DEPOSIT OF PLAINTIFF'S RESPONSE TO

DEFENDANT OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL AND MOTION TO DIRECT

THE U.S. MARSHAL'S OFFICE TO SERVED SUBPOENAS IN INSTITUTION'S MAIL SYSTEM

I, Tyrone P. James, hereby declared, under penalty and perjury, pursuant to 28 U.S.C. § 1746, that:

1. I deposited the following, "Plaintiff's Response To Defendants Opposition Motion To Compel Discovery; Motion to Direct The U.S. Marshals To Served Subpoenas, in the institution's internal mail systems, on August 11, 2004, for first class postage.

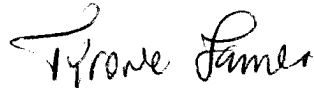
2. Petitioner, was without funds, on his institutional account; the institution will not mail out important legal mail with dead-line to Court, without an inmate, having the funds in his inmate account; therefore, this mail was delayed, this legal document was never placed in the United States postage, for mailing, but was returned this inmate, by the institution's mail room. [Please see Inmate postage order, STATE CORRECTIONAL INSTITUTION AT ROCKVIEW, attached to letter, Institution's SCI-Rockview and DOC Policy DC ADM 803, to Petitioner, and Inmate Request To Staff Member].

3. Petitioner filing was timely, pursuant to Federal Rule Civil Procedure; the institution's mail system, is in violation of inmate right to access to

Court, when they refused to mail out an inmate legal mail in a timely manner,
because of his indigent status or he is without funds.

Respectfully Submitted,

Date: August 13, 2004



Tyrone P. James

EX 9451

P.O. Box A

Bellefonte, PA 16823-0820

Sworn to before me this ____ day of August, 2004.

Notary Public.

Lyons Times

EX 9451

P.O. Box A

Belleville, PA 16823-0820

United Mail

Clerk of Court

United States District Court.

Middle District of Pennsylvania

228th Walnut Street,

Harrisburg, PA 17108

INMATE MAIL
PA DEPT OF
CORRECTIONS